

2021 BYLAWS AND RULES OF PROCEDURE

SECTION 1 -- PURPOSE AND BASIC PRINCIPLES

Section 1-1 Purpose of Bylaws and Rules of Procedure

- A. To enable County government to transact business expeditiously and efficiently;
- B. To protect the rights of each individual;
- C. To preserve a spirit of cooperation among Board members; and
- D. To determine the pleasure of the Board on any matter.

Section 1-2 Five Basic Principles Underlying Bylaws and Rules of Procedure

- A. Only one subject may claim the attention of the Board at one time;
- B. Each item presented for consideration is entitled to full and free discussion;
- C. Every member has rights equal to every other member;
- D. The will of the majority must be carried out, and the rights of the minority must be preserved; and
- E. The personality and desires of each member should be merged into the larger unit -- the Fauquier County Board of Supervisors.

SECTION 2 -- MEETINGS

Section 2-1 Regular Meetings

- A. The time and place of regular meetings of the Board of Supervisors (hereinafter referred to as the Board) shall be established at the Board's annual organizational meeting. Regular meetings shall be held in the Board Meeting Room, Warren Green Building, 10 Hotel Street, Warrenton, Virginia, on the second Thursday of each month. The meeting agenda shall be as follows: 11:00 a.m. Work Sessions; 6:30 p.m. Regular Session followed by scheduled Public Hearings. The Board may, however, prescribe any other meeting place or time in compliance with Section 15.2-1416 of the Code of Virginia (1950) as amended.
- B. When a regularly scheduled meeting falls on a legal holiday, the meeting shall be held on the previous Wednesday.

Section 2-2 Special Meetings

- A. The Board may hold such special meetings, as it deems necessary, at such times and places as it may find convenient; and it may adjourn from time to time. Any two (2) members may call a special meeting of the Board in such a manner as prescribed by Section 15.2-1418 of the Code of Virginia (1950), as amended. Only matters specified in the notice shall be considered unless all of the members of the Board are present. Where a special meeting has been called the Board shall give to the media and general public such notice of the time, place and purpose of the meeting as is feasible.

Section 2-3 Annual Organizational Meetings

- A. The first meeting held after the newly elected members of the governing body shall have qualified and the first meeting held in the corresponding month of each succeeding year shall be known as the annual meeting. The County Administrator shall preside during the election of the Chairman of the Board.
- B. The Chairman shall be elected at the annual meeting for a term of one year. The Chairman may succeed himself/herself in office.
- C. Following the election of the Chairman, he/she will assume the chair and conduct the election of the Vice Chairman.
- D. Following the election of the Vice Chairman, the Board shall:
 - 1. Establish dates, times and places for the regular meetings;
 - 2. Adopt its Bylaws and Rules of Procedure;
 - 3. The Chairman shall make Board appointments to standing and ad hoc Board committees as required.

Section 2-4 Quorum and Method of Voting

- A. At any meeting, a majority of the Supervisors shall constitute a quorum. All questions submitted to the Board for decision shall be determined by a recorded vote. The Chairman may choose to have the vote by voice vote or by show of hands. Any member voting no or abstaining shall have the option of asking for a roll call vote. Upon such request, the Board shall be polled and the name of each member voting and how he or she voted shall be recorded
- B. Members abstaining shall state for the record their reason for abstaining.
- C. A tie vote fails.

Section 2-5 Policy for Remote Participation in Board Meeting

- A. It is the policy of the Board of Supervisors that individual Board members may participate in meetings of the Board of Supervisors by electronic communication means from a remote location that is not open to the public only as permitted by Virginia Code § 2.2-3708.1, as amended, and this policy. This policy shall apply strictly and uniformly to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.
- B. An individual member may participate from a remote location only if a quorum of the Board of Supervisors is physically assembled at the primary or central meeting location, and the Board has made arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
- C. Remote participation in a meeting due to an emergency or personal matter may be approved only if, before 12:00 noon on the day of the meeting, the requesting member notifies the Chairman of the Board that such member is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter.
- D. Remote participation in a meeting due to a temporary or permanent disability or other medical condition may be approved only if, before 12:00 noon on the day of the meeting, the requesting member notifies the Chairman of the Board that such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.
- E. As required by law, in the event of any such participation by a member from a remote location, the Board shall record in its minutes the specific nature of the emergency, personal matter, temporary or permanent disability or other medical condition, and the location from which the Board member participated remotely.
- F. As required by law, remote participation that is due to an emergency or personal matter shall be limited in each calendar year for each individual member to two (2) meetings or 25 percent of the meetings of the Board, whichever is fewer. This limitation shall apply separately with respect to the meetings of each of the Board's Standing Committees.
- G. An individual member's request for participation from a remote location under this policy shall be considered approved upon receipt of the request by the Chairman of the Board unless the request is in violation of Section 2.2-3708.1 of the Code of Virginia, as amended. If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

Section 2-6 Board to Sit In Open Session

- A. The Board shall sit in open session and all persons conducting themselves in an orderly manner may attend the meetings; provided, however, the Board may conduct Closed Meetings as permitted under the Virginia Freedom of Information Act.

Section 2-7 Closed Meetings

- A. Closed Meetings may only be convened in conformance with Section 2.2-3711 of the Code of Virginia (1950), as amended.
- B. No resolution, ordinance, rule, contract, regulation or motion agreed to in a Closed Meeting shall become effective until the Board reconvenes in an open session and takes a vote of the membership on such resolution, ordinance, rule, contract or regulation or motion which shall have its substance reasonably identified in the open meeting.
- C. At the conclusion of a Closed Meeting, the Board shall reconvene in open session immediately thereafter and shall take a roll call vote certifying that to the best of each members' knowledge:
 - 1. Only public business matters lawfully exempted from open session requirements were discussed; and

2. Only public business matters identified in the motion convening the Closed Meeting were heard, discussed or considered.

Any member who believes that there was a departure from the above requirements shall so state prior to the vote, indicating the substance of the departure that, in his/her judgment, has taken place.

- D. The failure of the certification to receive the affirmative vote of a majority of the members present during the Closed Meeting shall not affect the validity or confidentiality of the Closed Meeting with respect to matters considered therein in compliance with the Freedom of Information Act.
- E. The Board may permit non-members to attend a Closed Meeting if their presence will reasonably aid the Board in its consideration of an issue.

SECTION 3 -- OFFICERS

Section 3-1 Chairman and Vice Chairman

- A. The Chairman shall preside over all meetings of the Board of Supervisors. The Chairman shall appoint Board members to serve on standing committees and ad hoc committees established by the Board of Supervisors. The Chairman shall annually appoint a Chairman for each standing committee, which appointments shall occur at the Board's annual organizational meeting or at the inception of the committee for new committees. Upon the death, resignation or other permanent disability of the Chairman to fulfill the duties of his office, the Board shall elect a new Chairman at its next regularly scheduled meeting or as soon thereafter as possible.
- B. The Vice-Chairman shall preside over all meetings of the Board of Supervisors when the Chairman is unable to attend or in absence of a Chairman due to death, resignation or permanent disability until the Board elects a new Chairman in accordance with Section 3-1.A.

Section 3-2 Clerk

- A. The Clerk of the Board shall be the County Administrator. The County Administrator may appoint one or more members of the County staff to serve as Deputy Clerk of the Board.

Section 3-3 Parliamentarian

- A. The County Attorney shall serve as the Parliamentarian for the purpose of interpreting these Bylaws and Rules of Procedure and Robert's Rules of Order as may be directed by the Chairman, or as required as a result of a point of order raised by any one or more Board members. If the County Attorney is unavailable, the County Administrator shall serve as the Parliamentarian.

Section 3-4 Preservation of Order

- A. At meetings of the Board, the presiding officer shall preserve order and decorum.

SECTION 4 -- CONDUCT OF BUSINESS

Section 4-1 Order of Business

- A. The Board shall adopt an agenda, including a consent agenda, for each meeting by recorded vote of a majority of the Board members present. The adoption of the agenda shall be the first item for action following the Call to Order, Invocation, and Pledge of Allegiance.

Section 4-2 Recognitions

- A. The Board may adopt appropriate proclamations to recognize noteworthy citizens and events.

Section 4-3 Consent Agenda

- A. The Chairman and County Administrator shall style routine, non-controversial matters requiring Board action on a Consent Agenda. Items may be removed from the Consent Agenda and placed on the Regular Agenda at the request of any Board member present. Only one motion is necessary to adopt all recommendations and action items on the Consent Agenda.

Section 4-4 Citizens' Time

- A. The Board shall set aside twenty (20) minutes for Citizens' Time on each regular Board Meeting Agenda. Citizens' Time shall be held after the adoption of the agenda. During this period the Board shall receive comment from any citizen on any non-agenda item or any agenda item not scheduled for public hearing by the Board provided that the Chairman prohibit or proscribe the use of obscenity or other speech tending to create a breach of the peace; and provided further that no individual citizen shall be permitted to address the Board for more than five (5) minutes. In the event that more than four (4) speakers wish to be heard during Citizens' Time, the Chairman shall allocate the aforesaid twenty (20) minutes among speakers in an equitable manner. The time allocated for Citizen's Time may be extended by majority vote of the Board of Supervisors.

Section 4-5 Supervisors' Time

- A. On each regular Board Meeting Agenda there shall be a period designated as Supervisors' Time, during which each Board member shall be entitled to unrestricted use of five (5) minutes for such purposes as each member of the Board deems appropriate. Matters discussed during Supervisors' Time shall not constitute formal agenda items unless the adopted agenda is amended by majority vote of the members present and voting.

Section 4-6 Board of Supervisors Meeting Agenda Submissions

- A. Board agenda requests shall comply with the "Administrative Guidelines for Board of Supervisors' Agenda Items". This agenda item submission protocol is promulgated by the County Administrator's Office subject to review by the Board.

Section 4-7 Motions

- A. No motion shall be discussed prior to being duly seconded in accordance with these Bylaws.
- B. All motions shall be duly seconded before being voted.
- C. When a question is under discussion, no motion shall be received unless it is one to amend, to commit, to postpone, for the previous question, for a substitute motion, a motion to lay on the table, or a motion to adjourn.
- D. A maker of a motion may not speak against his motion.
- E. No member may speak more than twice to the same motion.
- F. No member may speak a second time on a motion until every member desiring to speak has spoken.
- G. A substitute motion may be made by any member to any motion properly on the floor. Once seconded, the substitute motion shall take precedence and all debate or action on the existing motion shall cease until the substitute motion is decided. Debate on a substitute motion is permissible. If the substitute motion is passed by a majority vote of the members then present, the original motion is supplanted by the substitute motion. A second substitute motion can be made only after the first substitute motion is decided by vote of the Board. No more than two substitute motions may be made on any agenda item.
- H. When a vote upon any motion has been announced, it may be reconsidered on the motion of any member who voted with the prevailing side provided that such motion shall be made at the session of the Board at which it was decided or the immediate subsequent regular meeting. Such motion for reconsideration shall be decided by a majority of the votes of the members present.
- I. In accordance with the Constitution of the Commonwealth of Virginia, a recorded affirmative vote of a majority of the entire Board shall be required to pass any ordinance or resolution imposing taxes, authorizing the borrowing of money, or appropriating funds in excess of \$500.00.

Section 4-8 Decisions on Points of Order

- A. The Chairman, when presiding at a meeting of the Board, without vacating the chair, shall refer any point of order to the Parliamentarian.

Section 4-9 Same; Appeal to Board

- A. Any member of the Board may appeal to the Board from the decision of the Chairman on any question of order or the interpretation of these Bylaws. A majority vote of those present is necessary to overrule the Chairman. No second is required on a member's appeal.

Section 4-10 Motion to Adjourn

- A. At a meeting of the Board, a motion to adjourn shall always be in order.

Section 4-11 Suspending Rules

- A. One or more of these Bylaws and Rules of Procedure may be suspended with the concurrence of a majority of the members present.

Section 4-12 Amendment of Rules

- A. These Rules of Procedure may be amended by majority vote of the entire membership, provided that a proposed amendment may not be voted on unless a text thereof shall have been presented to the Board at a previous meeting at which the date for a vote on the proposal had been established. Such notice shall not be required for any amendment adopted at the annual meeting. Any proposed amendment shall be subject to further amendment at the meeting at which the vote is taken.

Section 4-13 Robert's Rules of Order

- A. The proceedings of the Board, except as otherwise provided in the Bylaws and Rules of Procedure and by applicable State law, shall be governed by Robert's Rules of Order, provided, however, that the rules governing small assemblies contained in Robert's Rules of Order shall not apply.

SECTION 5 -- AGENDA

Section 5-1 Preparation

- A. The Clerk shall prepare an agenda for the regularly scheduled meetings conforming to the order of business specified in Section 4-1 titled "Order of Business".
- B. Matters may be placed on a Board agenda only in the following manner: (1) by resolution of the Board; or (2) upon the direction of any member of the Board of Supervisors; or (3) by the County Administrator or County Attorney; or (4) when directed by Section 15.2-1243 et seq. of the Code of Virginia as a claim to be presented to the Board of Supervisors, or (5) upon referral of a land use matter to the Board of Supervisors as provided for in Chapter 22 of Title 15.2 of the Code of Virginia. No matter may be placed upon the Board's agenda unless an Agenda Request form has been submitted to the County Administrator at least ten (10) days prior to the Board meeting for which the item is scheduled to be considered. Pursuant to Paragraph A. of this section, the County Administrator shall place agenda items submitted in conformance with this paragraph on the Board's agenda for the next regular meeting following its timely submission.
- C. All items which are requested to be placed on the agenda which have not been submitted within the prescribed deadline shall be placed on the next regular agenda for consideration.

Section 5-2 Delivery of Agenda

- A. The agenda and related materials for regular Board meetings shall be available to each member of the Board and the County Attorney by 5:00 P.M. on the Monday immediately prior to the meeting. A printed copy of the agenda and related materials will also be available at the same time in the office of the County Administrator.

Section 5-3 Copies

- A. The Clerk of the Board shall prepare or cause to be prepared extra copies of the agenda and shall make the same available to the public in the Office of the County Administrator. The Clerk shall also have copies available at each meeting. The Clerk shall post the agenda in such public places in the County as shall give the public as much notice of the agenda as is feasible.

Section 5-4 Comments, Queries of Board Members

- A. Board members are to observe the following rule during the discussion of agenda items, public hearings excepted:

Comments of Board members must be constructive and germane to the subject at hand. The Chairman rules other comments out of order.

SECTION 6 -- BOARD APPOINTMENTS

Section 6-1 Board of Supervisors Standing Committees

- A. The Board, by majority vote, may establish standing committees of the Board (i.e. Personnel, Finance). Each standing committee, once established by the Board, shall consist of two members of the Board appointed by the Chairman at the annual organizational meeting or at the inception of the committee for new standing committees.

Section 6-2 Board of Supervisors Ad-Hoc Committees

- A. The Board, by majority vote, may establish ad hoc committees. The Chairman shall appoint Board members to serve on ad hoc committees. Ad hoc committee assignments can be made at the annual organizational meeting or at the inception of the committee for new ad hoc committees. Upon establishment of an ad hoc committee, the Chairman shall appoint a Chairman pro tem. The Chairman pro tem shall serve until the Committee recommends a Chairman to the Board. The Board shall discuss the recommended appointment and shall make a recommendation to its Chairman who shall make the appointment subject to appeal as defined in Section 4-9 above. Thereafter, all ad hoc committees shall annually forward their recommendation for Chairman no later than the last day of each December so as to permit the appointment of a Chairman at the Board's Annual Organizational Meeting for the following calendar year.

Section 6-3 Citizen Appointments

- A. All appointments of citizens, other than members of the Board of Supervisors, shall be made by a majority vote of Board members present.
- B. Unless specified by law or otherwise, all appointments of citizens shall be made at the first January meeting after the election of the Board of Supervisors and shall be for a term of four years.
- C. Unless specified by law or by resolution of the Board of Supervisors all citizens appointed to committees of the Board shall be residents of the County and shall maintain their residency within the County throughout the term of the membership on the committee. Change in residency to a locality outside of the County shall result in automatic forfeiture of the citizen's committee appointment.

Section 6-4 Committee Attendance

- A. Members of any standing or ad hoc committee of the Board of Supervisors, or of any committee to which the Board of Supervisors appoints a member, shall attend every scheduled meeting of the committee to which they have been appointed. Committee members are expected to attend a minimum of seventy-five percent (75%) of the regularly scheduled meetings of the committee in any year. It shall be the duty of the Chairman of any Board of Supervisors' appointed committee to determine the level of attendance of committee members. Upon receipt of written notice from the Chairman of any committee that a member has failed to attend at least seventy-five percent (75%) of the scheduled meetings of the committee, the Clerk of the Board of Supervisors shall notify, in writing, the Chairman of the Board of Supervisors who shall review the committee member's attendance and determine whether any reason exists for the meeting attendance failure. Upon review, the Chairman of the Board of Supervisors may, but is not required to, remove the committee member for non-attendance of meetings. Where a committee member has been

removed, the Clerk to the Board of Supervisors shall place upon the agenda of the Board of Supervisors, a request to replace the member who has been removed. Replacement shall be made in the same manner as the original appointment and shall be for the remainder of the term for the committee member who has been removed. Upon the appointment of any committee member, the Clerk to the Board of Supervisors shall forward to the member a copy of this section. The committee attendance requirement set forth above shall not be applicable to any committee which meets six (6) or fewer times per year.

Date Last Modified: 12/14/2020